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THE LORD FAVLKLAND

HIS

Learned *SPEECH* in Parliament, in the Houſe of Commons, Touching the *Judges* and the late *Lord Keeper.*

CAMBRIDGE

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HIS Learned *SPEECH* in *Parliament*, in the Houſe of COMMONS.

Mr. Speaker:

I Rejoyce very much to ſee this day, and the want hath not laine in my affection, but in my lungs, if to all that hath paſt, my Tongue hath not beene as lowd as any mans in the Houſe, yet truely my opinion is, that we have yet done nothing, if we doe no more, I ſhall adde what I humbly conceive might be added, as ſoone as I have ſaid ſomething, with Reference to him that ſayes it.

I will deſire forgiveneſſe of the Houſe, if in ought I ſay, I ſeeme to intrench upon anothers profeſſion, and enter upon the work

of another Robe, ſince I have bin inſtructed by the report of a learned *Committee*, and confirmed by the uncontradicted vote of the whole Houſe, ſince J ſhall ſay norhing of this kind, but in order, to ſomewhat further, and which moves me moſt to venture my opinion, and to expect your pardon, ſince J am confident that Hiſtory alone is ſufficient to ſhew this judgement, contrary to our Lawes, and Logick alone ſufficient to prove it deſtructive to our properties, which every free and noble perſon values no leſſe then his profeſſion.

I will next profeſſe that I know of my ſelfe, and all thoſe that knowe me, knowe it of me, that my naturall diſpoſition is farre from inclining to ſeverity, much leſſe to cruelty, That I have particular provocation from their perſons, and have particular obligations to their callings, againſt whom I am to ſpeake.

And that though not for much, yet for more then all I have, ſo J hope it will be beleeved, that onely publike intereſt hath extorted this from me, which J would not ſay, if I conceived it not both ſo true and ſo neceſſary, that no meat undiſgeſted, can lye heavyer upon the ſtomacke then this unſaid, would have laine upon my Conſcience.

Mr. *Speaker*, the conſtitution of this Common-wealth, hath ſtabliſht, or rather endea-

voured

voured to eſtabliſh to us, the ſecurity of our goods, and the ſecurity of thoſe Lawes, which ſhould ſecure us, and our goods, by appointing for us *Iudges*, ſo ſetled, ſo ſworne, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary, ſince if they neither deny nor delay us Juſtice, which neither for the great nor little Seale, they ought to doe.

The greateſt perſon in the Kingdome cannot continue the leſt violence upon the meaneſt. But this ſecurity, Mr *Speaker*, hath been almoſt our Ruine, (this Bulwarke) for us hath beene turned, or rather turned it ſelfe, into a Batterie againſt us, and thoſe perſons who ſhould have beene as Dogs to defend the flocke, have been the Woolves to worry it.

Theſe *Iudges*, Mr. *Speaker*, to inſtance not them onely, but their greateſt Crimes, have delivered an opinion, and a judgement, the firſt, in an extrajudiciall manner, and both upon an extrajudiciall matter, that is ſuch as came not within their cognizance, they being *Iudges of Law*, and not of *neceſſity*, that is being *Iudges* and neither *Philoſophers*, nor *Politicians*, in which, when it is abſolute, and evident, the law of the Land ſeaſeth, and that of generall reaſon and equitie, by which particular Lawes at firſt were framed, returnes to her Throane and government, when *ſalus populi* becomes not only *ſuprema*, but *ſola lex*, at which time, and to which end, whoſoever

would dispense with the King, to make use of money, dispenses equally with us, to make use of his, and one anothers.

1 In this judgement, first they contradict both many, and cleare Acts and Declarations of *Parliaments*, and those in this very case, and in this very Reign, so that for them, they needed to have consulted with no other *Records*, then their Memories.

2 Secondly they contradicted with apparent Evidences, by supposing mighty and eminent dangers, in most serene, quiet, and halcyon dayes, that could possibly be imagined, a few contemptible *Pyrats*, being our most formidable enemies, and there being neither *Prince* nor *State*, with, and from whom we had not, either *Ambassadors*, *or Amity*, *or both*.

3 Thirdly, they contradicted the writ it selfe, by supposing that supposed danger, to be so suddaine, that it could not stay for a Parliament, which required but forty dayes stay, the writ being in no such haste, but being content to stay seaven months, which is that time foure times over.

Mr. *Speaker*, it seemed generally strange, that they who saw not that Law, which all men else saw, should see that danger, which no man saw, but themselves, got; though this begot the more generall wonder, three other particulars begot the more generall indignation.

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1 The first, that all the reasons for this judgement were such, that they needed not those of the adverse party, to helpe them to convert these few, who had before the least suspition of the Legality of that most illegall writ, there being fewer who approved of the judgement, then there were that judged it; for I am confident they did not that themselves.

2 The second that when they had allowed to the King the sole power in necessity, and the sole judgement of neceffity, and so enabled him to take from us, what he would, when he would, and how he would, *they yet contemned us, enough, to offer to perswade us, that they had left us our property.*

3 The third and last, and which I must confesse moved me most, *that by the transformation of this Kingdome, from the estate of free Subjects, (a good Phrase Mr. Speaker, under Doctor* Heylins *favour) into that of villaines, they disabled us by legall and voluntarie supplyes, to expresse our affections to his Majesty, and by that to cherish his to us, that is to Parliaments.*

Mr. *Speaker*, the cause of all the miseries we have suffered, and of all the jealousies we have had, that we should suffer more, is, that a most excellent Prince, hath bin most infinitely abused by his *Iudges*, telling him that

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in Law, his Divines telling him that in Conſcience, his Counſellors telling him that in policy, he might doe what he pleaſed: with the firſt of theſe we are now to deale, which may be a good leading cauſe to the reſt, and ſome in penning thoſe lawes, *upon which, theſe men have trampled, our Anceſtors have ſhewed the utmoſt of care and wiſedome, for our unſetled ſecurity, words having done nothing, and yet done all that words can doe, we muſt now bee forced to think of aboliſhing the grievers, of taking away this judgment, and theſe Iudges together, & of regulating their ſucceſſors by their moſt exemplary puniſhments, who would not regulate themſelves by moſt evident lawes; of the degrees of this puniſhment, I will not ſpeak, I will onely ſay we have accuſed a great perſon of high Treaſon, for intending to ſubvert our fundamentall lawes, and introduce arbitrary government, whereas what we ſuppoſe he meant to doe, we are ſure theſe have done, there being no Law more fundamentall, then they have already ſubverted, and no government more abſolute, then they have already introduced.* Mr. *Speaker*, not onely the ſevere puniſhment, but even the ſudden removeall of theſe men, will have a very large effect, in one verie conſiderable conſideration, we onely accuſe, and the houſe of Lords condemnes, in which conſideration they uſually receive adviſe, (though not direction from the Iudges. And I

leave

I leave it to every man to imagine how prejudiciall to us, (that is to the Commonwealth) and how partiall to their fellow malefactors, the advice of such Iudges is like to be, how undoubtedly for their owne sakes they will conduce to their power, that every action be judged to be a lesse fault, and every person to be lesse faulty, then in Justice they ought to be.

Amongst these, Mr. *Speaker*, there is one whom I must not lose in the crowde, whom I doubt not, but we shall find when we examine the rest of them, with what hopes they have been tempted, by what feares they have beene assayled, and by what, and by whose importunity, they have beene pursued, before they consented to doe what they did, I doubt not I say, but we shall find him, to have bin a most admirable Solicitor, though a most abominable Judge, he it is, who not onely gave away with his wealth, what our Ancestours had purchased for us, at so large an expence, both of their time, their care, their treasure, and their blood, and imployed an industrie as great as his injustice, to perswade to joyne with him in that deed of gift, but others strove to roote out those liberties, wch we had cut downe, & to make our grievances mortall, and our slaverie irreparable, lest any part of posterity might want occasion to curse him, he declared that power to bee so

inherent in the Crowne, that it vvas not in the power, even of a Parliament to divide them.

I have heard, Mr. *Speaker*, and I thinke here that Common Fame is ground enough for this House to accuse upon, and then undoubtedly enough to be accused upon in this House, they have reported this so generally, that I expect not you should bid me name whom you all know, nor doe I looke to tell you nevves, vvhen I tell you it is my Lord Keeper, but this I thinke fit to put you in mind, that his place admits him to his Majesties eare, and trusts him vvith his Majesties conscience, and hovv pernitious every moment must be to us, vvhilst the one gives him meanes to infuse such unjust opinions of this house into his Majesties eare, expresst in that libell rather then declaration, of which many beleeve him to have beene a Secretary, & the other puts the vast and almost unlimited power of the Chancery into such hands, which in the safest would be dangerous, for my part, I can thinke no man here secure, *that he shall find himselfe worth any thing when he rises, whilst our estates are in his breast, who hath sacrificed his Countrey to his ambition, whilst he had prostituted his owne conscience, hath the keeping of the Kings, and he who hath undone us already by whole-sale, hath power left in him of undoing us by retayle.*

Mr. *Speaker*, in the beginning of this Parliament

ia ment, he told us, and I am confident every man here beleeved it, before he told it, and not y more for his telling it, though a sorry witnesse is a good Testimony against himselfe, *that his Majestie never required any thing from any of his Ministers, but Justice and integritie, against which if any of them have transgressed, upon their heades, and that deservedly, it was to fall, And truely after hee hath in this saying propounded his own condemnation, we shall be more partiall to him, then he is to himselfe, if we slow to pursue it.*

If therefore my just and humble motion, that we may chuse a select *Cõmittee*, to draw up his and their charge, and to examine the carriage of this particular, to make use of it in the charge, and if he being a Judge, shall be found guilty of tampering against the publique propertie with Judges, who hath thought tampering with witnesses in private defences, worthy of so severe a Fine, if hee shall be found to have gone before the rest, to this judgement, and to have gone beyond the rest in this Judgement, that in the punishment for it, the Iustice of this House, may not deny him that due honour, both to preceed and exceed the rest.

FINIS